

DEPARTMENT OF CORRECTIONS FY 2020-21 JOINT BUDGET COMMITTEE HEARING AGENDA

**Wednesday, December 11, 2019
1:30 pm – 4:30 pm**

1:30-1:45 INTRODUCTIONS AND OPENING COMMENTS

Presenter: Dean Williams, Executive Director

1:45-3:15 CURRENT STATE AND FUTURE DIRECTION OF DOC

Main Presenter:

- Dean Williams, Executive Director

Supporting Presenter:

- Travis Trani, Deputy Executive Director of Prison Operations
- Deb Goheen, Director of Finance & Administration

Topics:

- Normalization
- Take TWO (Transitional Work Opportunity): Page 1, Question 1 in the packet
- Parole Efforts
- R-03, Reducing Private Prison Use

3:15-3:30 BREAK

3:30-4:30 CLINICAL SERVICES

Main Presenters:

- Deb Goheen, Director of Finance & Administration
- Lenny Woodson, Assistant Director of Clinical Services

Topics:

- Hepatitis C Treatment: Page 2, Question 2 in the packet
- Sex Offender Treatment: Page 4, Question 3 in the packet
- Mental Health Treatment: Page 5, Question 4 in the packet

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1. WORK RELEASE PROGRAM

Please discuss the work release program and any change to that program in FY 2020-21.

Response:

The Department implemented the Take TWO re-entry program in FY 2019-20. The TWO stands for Transitional Work Opportunity. This program provides an opportunity for incarcerated offenders to work for employers earning a prevailing or marketable wage with an end goal of living in a non-prison environment within the community.

This program is among the Department's Wildly Important Goals (WIGs) in the FY 2019-20 Performance Plan. The program goals include having 3 transitional work program employers and 35 offenders hired for the transitional work program by June 30, 2020. These goals grow to 9 employers and 120 offenders participating in the transitional work program by June 30, 2022.

The Take TWO re-entry program was developed for several reasons. This program provides participating offenders with an opportunity to acquire monetary savings prior to their release from the prison system. Getting offenders back to work improves their accountability as they have meaningful wages to honor other financial commitments such as restitution and child support. Take TWO helps offenders improve their job skills, making them more marketable and employable upon release from prison. This program also helps offenders re-establish a social network in the local community. A by-product of this program is the creation of a labor pool that has helped some employers fill positions that have been vacant due to Colorado's low unemployment rate. Finally, this program addresses several of the factors that can lead to offender recidivism including the lack of work, poor or no housing options, and a lack of connection to the community for returning citizens.

The Department currently has two major developments in the Take TWO program. This includes the establishment of a Transitional Work Center at the Buena Vista Correctional Complex (BVCC). This Transitional Work Center is based in the former "Boot Camp" building at BVCC and provides space for Take TWO program participants to learn and improve their skills of self-sufficiency and reliance, while simultaneously ensuring that the safety, training/education, and basic welfare needs of the participants are still being met. The Sterling Correctional Facility (SCF) also has offenders participating in the Take TWO program; these offenders continue to be housed in the facility when they are not at the work location. The offenders in the BVCC Take TWO program are employed in construction and automotive jobs while the SCF Take TWO offenders are working at a production plant. The table below provides FY 2019-20 program participation information through December 9, 2019:

FY 2019-20 Take TWO Program	
Program Participation	Cumulative 12/9/2019
Total Number of Offenders Employed	21
Total Number of Employers (Second Chance employers)	6
# Offenders Currently Employed	15
# Offenders Removed from Program	2
# Offenders Completed & Released Prison from Program	4

The Department is in contact with the Colorado Department of Transportation and several other employers from industries that include restaurants, retail, production, and warehouse operations for additional jobs in the second half of FY 2019-20. Take TWO is planned to expand to the Delta Correctional Center and the Denver Women's Correctional Facility later this fiscal year. The Department has also had discussions with a non-profit organization about employing incarcerated military veterans who are reintegrating to Colorado Springs with the assistance of Veterans agencies.

The Department is soliciting feedback from the offenders that have released from prison while in the Take TWO program. This follow-up includes tracking employment successes post-release, including gaining access to the Colorado Department of Labor and Employment Colorado Unemployment Benefits System (CUBS) to verify employment. DOC is also seeking ideas from released Take TWO offenders for program participant housing options prior to release. Along those lines, the Department is currently exploring potential housing options with Work and Gain Employment and Education Skills (WAGEES) community partners, as well as engaging with Sober Living homes and other housing agencies.

When looking ahead to FY 2020-21, the Department is on track to exceed the WIGs for the number of Take TWO employers and offenders enrolled in the program. DOC is also expecting to double the number of Take TWO re-entry programs to eight prison facilities compared to the total of four already operating or planned in FY 2019-20.

2. HEPATITIS C TREATMENT

- a. Please discuss the history of hepatitis C treatment in the Department to include at what stages treatment was given in previous years, when policies changed, and what the current policy requires.

Response: *In FY 2018-19, the Department started 1,196 offenders on hepatitis C treatment. Of those 1,196 offenders, 995 completed treatment in DOC, 144 released from DOC during treatment, 26 refused to continue and stopped mid-treatment, and 31 offenders were still on treatment that carried into FY 2019-20. Thus far in FY 2019-20, the Department has started 649 offenders on hepatitis C treatment. Of those 649 offenders, 342 have completed treatment in DOC, 74 released from DOC during treatment, 8 refused to continue and stopped mid-treatment, and 225 offenders are actively on treatment. As of December 5, 2019, the*

Department has 350 offenders in the work-up process for hepatitis C treatment, with another 71 refusing treatment and 10 too unstable for treatment. The Department provides the following timeline of treatment policy changes from 2016 to the present:

Hepatitis C Treatment Policy Revision Timeline				
Treatment Criteria	Nov 2016	August 2017	July 2018	June 2019
APRI*	1) 0.4-0.7 referral to D/A, 2) 0.7 begin treatment	0.7 or greater	0.4-1.9	0.39 or less
Drug & Alcohol (D/A) Treatment	Yes, required	Attend one meeting	No	No
Infection Control Committee to Determine Eligibility & Priority	No	Yes, prioritized for treatment	No	No

*APRI: Aspartate aminotransferase (AST) to Platelet Ratio Index. APRI is used as a baseline to determine if additional screening is needed. The Department progressively prioritized and offered treatment to offenders, and is currently offering treatment at all APRI levels.

- b. Please discuss the history of hepatitis C treatment costs to include the original costs and the changes in costs through FY 2020-21.

Response: *The cost of the hepatitis C medications used by the Department have decreased over the years, as shown below. The lower drug costs have been negotiated by the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) for the corrections class of trade members. The exact cost and duration of the therapy will vary by offender as the drug regimen for hepatitis C treatment remains specific to genotype and health status of the individual. Therefore, the Department uses an average cost of treatment when projecting funding needs. It is currently unknown if there will be further cost changes.*

Hepatitis C Treatment Cost History				
	2015	2016	2017	2019
Average Cost	\$90,000	\$57,000	\$26,166	\$16,616

- c. Please discuss the Department's request for a reduction in hepatitis C treatment to include if the reduction is based on a drop in cost or a reduction in the number of individuals needing treatment.

Response: *The Department's request for a funding reduction in hepatitis C treatment is based on both a drop in the cost of providing treatment as well as a reduction in the number of offenders needing treatment. As discussed above, the Department has experienced a decrease in costs for the pharmaceuticals that provide the cure for the Hepatitis C Virus (HCV). The current level of funding was based on an average cost for treatment of \$26,166; the average treatment cost is currently \$16,616. In addition, the funding request of \$16.5 million in FY 2018-19 came with the expectation that this level of funding could be reduced in 2 – 3 years when the backlog of offenders waiting to be cured of HCV was caught up. The backlog will be*

resolved in FY 2019-20 resulting in the expected treatment of fewer offenders in FY 2020-21. Because the number of offenders with HCV as well as the average cost of treatment can fluctuate from year to year, the Department will review the ongoing need for HCV treatment annually and address any funding true-ups in future budget requests for medical caseload.

3. SEX OFFENDERS

Please discuss the concept of treating low risk non-violent sex offenders in the community while on parole as compared to the current process of phase 1 and phase 2 treatment in a correctional facility.

Response: *Offenders with a sex offense conviction are reviewed by Sexual Offender Treatment Monitoring Program (SOTMP) intake specialists at the Denver Reception and Diagnostic Center (DRDC) and are assigned the status of S5. The S5 offenders are assessed to determine their willingness to participate in SOTMP. The intake specialists also complete a static assessment to determine the offender's risk for sexual recidivism. The SOTMP categorizes sex offenders in five distinct risk categories ranging from well below average risk to well above average risk for sexual recidivism.*

Sex offenders who are within four years of their parole eligibility date and have met the SOTMP pre-screening process are assigned the status of S5 and referred for treatment. The names of offenders referred for SOTMP treatment are placed on the global referral list. The SOTMP prioritizes offenders for treatment based upon a number of factors to include risk for sexual recidivism, parole eligibility date, institutional behavior, and previous SOTMP treatment attempts. Offenders are transferred to a facility offering SOTMP when their name has reached the top of the global referral list. (Note: Details on the Global Referral List as of November 30, 2019 are found in the Appendix.)

The SOTMP assigns offenders to specific levels of treatment based on their individual level of risk and treatment needs. Track I is reserved for offenders who present an average to below average risk, while Track II is designed to meet the treatment needs of offenders who have an above average to well above average risk. The SOTMP offers Track I level of treatment in seven facilities while Track II is offered in three facilities. (Note: The Track I and Track II offender details are found in the Appendix.)

Offenders who present a well below average risk are often not recommended for participation in DOC's sex offender treatment and are classified internally as S5L. As of November 30, 2019, there are a total of 191 sex offenders classified as S5L. This group of offenders is recommended for offense specific assessment in the community to determine community treatment needs.

Sexual Violence Needs (SVN) Classification Level	SVN Definition
S5	Any judicial determination of sex offense to include court findings of sexual factual basis
S4	Any administrative determination of a sex offense to include prior sexual violence needs

Sexual Violence Needs (SVN) Classification Level	SVN Definition
	classification review. This classification is not recommended for participation in DOC SOTMP.
S3	Institutional sex offense conviction
S2	Unadjudicated sex offense allegation
S1	No documented sexual violence treatment needs

Maintenance programming is designed to maintain an offender's level of treatment progress as they await a discharge or parole date. The maintenance level programming is offered in six facilities, to include the Cheyenne Mountain Re-entry Center (CMRC). For offenders in SOTMP that are working towards meeting Lifetime Supervision Treatment Progress (LSX) criteria for parole, it should be noted that participation in maintenance programming is not a required component of the LSX criteria for parole.

In the JBC briefing on December 2, 2019, it was presented that there are a number of low risk offenders with convictions for indecent exposure waiting assignment to SOTMP. There are currently 10 offenders in DOC facilities with their most serious crime being indecent exposure. All 10 of these offenders have 3 or more convictions for indecent exposure in addition to other felony convictions.

The Department looks forward to working with the General Assembly, the Division of Criminal Justice, and other stakeholders on finding a sustainable resolution to the treatment of low risk sex offenders.

4. MENTAL HEALTH

During the December 2, 2019 briefing on the DOC budget, there was discussion regarding the ability of offenders to access mental health treatment. The Department is providing clarifying information on mental health needs levels and the path to receive services. The Department assesses and assigns treatment needs levels by Psychological codes (P codes). Any offender, regardless of P-code level, can access mental health services at any time through crisis services and interventions when there is an emergent need.

Mental Health Needs Level	Psychological Code (P-code) Description	Minimum Frequency of Therapeutic Contact	Eligible for Residential Treatment Program (RTP), individual, and/or group sessions and psychiatric services
P5	Extreme high needs for mental health treatment	Weekly with assigned clinician	Yes. The offender will be referred to RTP
P4	High need for mental health treatment	At least monthly, but according to individual treatment plan	Yes. Group and individual sessions are highly recommended and RTP referral may be indicated

Mental Health Needs Level	Psychological Code (P-code) Description	Minimum Frequency of Therapeutic Contact	Eligible for Residential Treatment Program (RTP), individual, and/or group sessions and psychiatric services
P3	Low to moderate need for mental health treatment	At least quarterly, but according to individual treatment plan	Yes. Group and individual sessions are highly recommended and RTP referral may be indicated
P2	Low and/or historical clinical need for mental health treatment	Upon request via kite correspondence or if crisis intervention is needed	No. Individuals can request reassessment of treatment needs
P1	No history or current mental health need for treatment	Upon request via kite correspondence or if crisis intervention is needed	No. Individuals can request reassessment of treatment needs

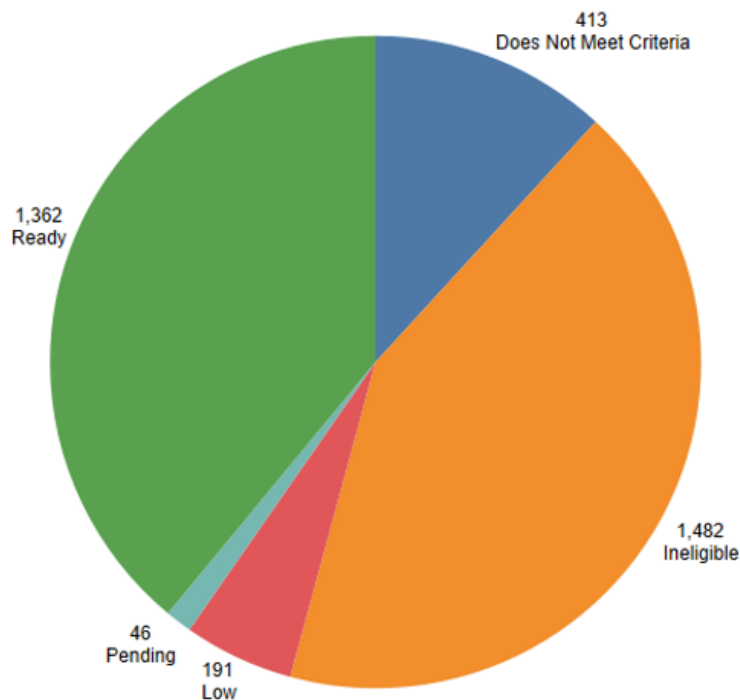
Upon arrival at DRDC, individuals engage with mental health clinicians for a mental health appraisal of treatment needs. Based on this preliminary assessment and collateral information received from the jail/detention center, individuals will be referred to psychiatric services and mental health treatment if indicated. Generally, all individuals are assigned and moved to permanent facilities; they receive a mental health screen at the permanent facility regardless of P-code assigned at DRDC to assess if mental health treatment needs have changed.

The Department has 24/7 mental health crisis response for individuals who may experience difficulties and would benefit from immediate interventions for all state run facilities. The private prisons also have 24/7 mental health crisis responses available.

For individuals with identified mental health treatment needs (P3-P5), individual and group therapy sessions are available as are psychiatric services. Individualized treatment plans will be developed with individuals who wish to engage in treatment. Engagement in therapy is not mandatory and can be requested if they decide to attend. Residential Treatment Programs are accessed through referral for individuals who would benefit from supportive and intensive treatment environment.

Appendix

S5 population on the Global Referral List as of 11/30/2019:



Population Definitions

Ready: The offender currently meets the SOTMP participation requirements.

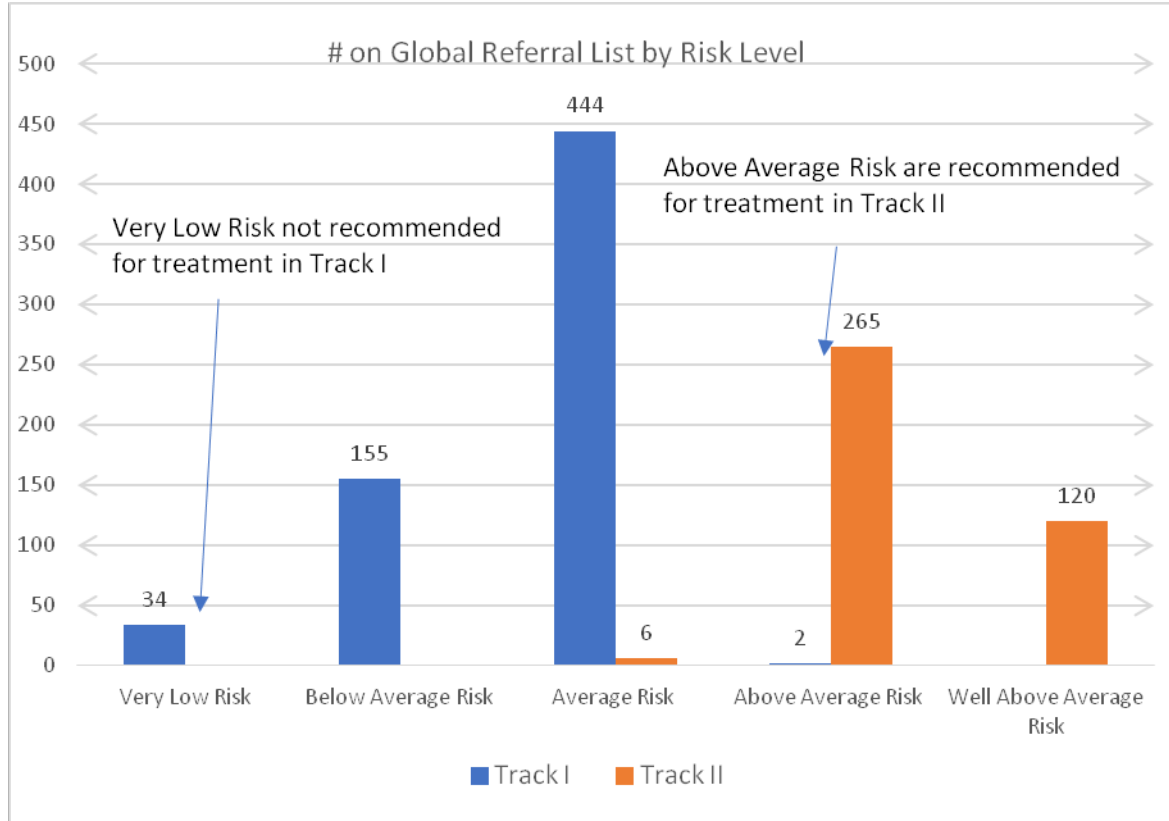
Pending: The offender meets the SOTMP participation requirements but has previously been terminated, removed from the referral list for cause, dropped out of treatment, or has refused SOTMP placement. Offenders will be coded Ready when satisfactorily participating in SOTMP for 30 days.

Does Not Meet Criteria: The offender does not meet the SOTMP participation requirements.

Ineligible: The offender is not within eight years to parole eligibility date and is not yet eligible for SOTMP. This includes life with no parole sentences.

Low: The offender may have an administrative, judicial, or institutional determination of a sex offense but are low resource priority for SOTMP services at the current time. Offenders with unadjudicated sex abuse allegations may also be low resource priority for classification review. These offenders may have their priority reassessed at any time during their incarceration, community placement, or while on parole.

The Global Referral List by risk level as of 11/30/2019 is shown below:



ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED. PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

1. Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Response:

(a) Legislation not implemented

There is no legislation that meets this description.

(b) Legislation partially implemented

SB 13-210, Concerning Employment Conditions for Correctional Officers, requires the Department to establish staffing levels at each correctional facility and private prison by security level; develop criteria when a corrections officer works two consecutive shifts and to pay overtime; and establish a new work period for staff subject to provisions of the Fair Labor Standards Act. The Department is in compliance with these provisions of the Act.

Additionally, the Department is required to provide all Department employees with a pay stub that clearly and accurately reflects all hours worked, among other requirements. The Department is currently collaborating with the Department of Personnel and Administration (DPA) on the efforts to modernize the state's personnel timekeeping systems. This modernized system will include the issuance of a pay stub that clearly and accurately reflects all hours worked, standard rate of pay, rate of overtime pay, accrual of any paid leave and compensatory time, remaining paid leave and compensatory time balances, as required by SB 13-210.

SB 19-008, Concerning Substance Use Disorder Treatment in the Criminal Justice System, requires the Department to provide Medication-Assisted Treatment (MAT) to individuals who are placed in the custody of the Department and were receiving this treatment in a local jail prior to their sentence to DOC. In addition, the Department may enter into agreements with community agencies, behavioral health organizations, and substance use disorder treatment organizations to assist in the development and administration of MAT.

The Department is currently utilizing a third party provider to administer MAT to the offenders who enter into DOC and were receiving this treatment in a local jail. This provider is the Addiction Research & Treatment Services (ARTS) of the University of Colorado School of Medicine. DOC is pursuing an Opioid Treatment Program License through the Office of Behavioral Health. The Department expects to complete the licensing process by Fall 2020. The Department is also in the process of recruiting the two FTE, a physician and mid-level provider, that were appropriated in the bill.

HB 19-1064, Concerning Victim Notification Proceedings, requires the Department to notify victims of their rights in criminal proceedings unless the victim opts out of the notifications. The Department is in compliance with the provisions of the Act and has been enrolling victims of offenders convicted of Victim Rights Act crimes that were sentenced to DOC starting May 28, 2019, unless they opt out of the notifications. The Department understands there are questions on the intent of the bill and that the Office of the Attorney General is reviewing these issues. DOC is prepared to implement any new changes if the scope of the statute expands.

2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations as identified in the “Annual Report: Status of Outstanding Audit Recommendations” that was published by the State Auditor’s Office and dated June 30, 2019? What is the Department doing to resolve the HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department’s budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

Response: In accordance with the State Auditor’s Office report dated June 30, 2019, the Department does not have any recommendations classified as High Priority Outstanding.

3. If the Department received federal funds of any type, please respond to the following:
 - a. Are you expecting any changes in federal funding with the passage of the FFY 2020-21 federal budget? If yes, in which programs, and what is the match requirement for each program?

Response: No, the Department is not expecting any changes in federal funding with the passage of the FFY 2020-21 federal budget.

- b. Does the Department have a contingency plan if federal funds are eliminated?

Response: DOC continues to submit applications and receive awards from the federal State Criminal Alien Assistance Program (SCAAP). This award program is intended to partially cover the housing costs of incarcerating illegal aliens. The FY 2019-20 Long Bill cash funds spending authority for the SCAAP is \$2.2 million. Should future federal funding be eliminated, the Department will need a corresponding increase in General Fund to meet external capacity funding needs.

- c. Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that MAY be issued against the Department by the federal government during FFY 2019-20 or 2020-21.

Response: The Department is not aware of any federal sanctions or potential sanctions for state activities. This includes any sanctions that may be issued against the Department by the federal government during FFY 2019-20 or 2020-21.

- d. Compared to other states, Colorado ranks low in receipt of federal dollars. How can the Department increase the amount of federal money received?

Response: *The Department's federal funding only comes from awarded grants, and thus is dependent upon applying and being awarded for additional grants. The Department is active in researching outside funding through grants or initiatives to support current and proposed operations.*

- e. What state funds are currently utilized to draw down (or match) federal dollars? What state funding would be required to increase the amount of federal funding received?

Response: *The Department does not currently have any state funds used to draw down or match federal dollars. Matching state funds would only be required if a future awarded federal grant required that match.*

4. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response: *The Department does not spend any money on public awareness campaigns.*

5. Based on the Department's most recent available record, what is the FTE vacancy and turnover rate: (1) by department; (2) by division; (3) by program for programs with at least 20 FTE; and (4) by occupational class for classes that are located within a larger occupational group containing at least 20 FTE. To what does the Department attribute this turnover/vacancy experience? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Response: *The Department had 6,181 active employees and 1,116 separations for a total 18 percent turnover rate in FY 2018-19. Although division level data is unavailable at this time, the following turnover data is provided for seven key classes:*

FY 2018-19 Turnover Rates by Select Class:			
Class Title	Total Active Employees	Separations	Turnover Rate
Correctional Officer I	2,230	579	26%
Correctional Officer II	702	75	11%
Correctional Officer III (Spec & Supv)	311	30	10%
Correctional Trades Supervisor I	503	69	14%
Community Parole Officer	214	22	10%
Health Professional II	96	16	17%
Social Worker III	67	15	22%
Agency Total	6,181	1,116	18%

The following were the top reasons for DOC separations:

- Accepted New Job Outside State System 280
- Full Service Retirement 170
- Personal Reasons 180

FTE Vacancies by Select Class as of November 20, 2019	
Class Title	Total Vacancies
Correctional Officer I	139
Correctional Officer II	31
Correctional Officer III (Spec and Supv)	28
Correctional Support Trades Supervisor I	53
Community Parole Officer	23
Health Professional II	31
Social Worker III	30
Total for the Above Select Classes	335
Agency Total	586

Board Rules and Director's Procedures administered by the Department of Personnel and Administration impact both vacancy and turnover in addressing recruitment, retention and turnover issues. New employees that are hired into most general use jobs, hired at the minimum of the class range, may not be impacted based on the prevailing market. However, most professional level classes are impacted due to the inability to hire above the minimum range, or at mid-range, or at the prevailing market wage. This does affect turnover in most professional level jobs.

6. Please identify how many rules you may have promulgated in the past two years (FYs 2017-18 and 2018-19). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Response: *Per Section 17-1-111 C.R.S., the Department is not subject to the requirements of Section 24-4-103 C.R.S. Rule-Making, and thus does not promulgate rules.*

7. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations.

Response: *The main cost driver for the Department of Corrections, outside of caseload changes, is staff salaries and benefits, including the common policy increases from the other State agencies that provide services to DOC. With one exception, the Department does not believe that price inflation exceeds general CPI. The exception applies to the prices for offender clothing. The Colorado Correctional Industries has experienced a double digit*

increase in the price of textiles that are used in the manufacture of offender clothing. The higher commodity prices have led to the charging of higher prices for the finished clothing products. Other factors as discussed below, influence Department costs and budget needs.

The State of Colorado is experiencing low unemployment and a corresponding tight labor market. In addition, many of the Department's locations are in lower population areas or, in the case of Buena Vista, have a shortage of affordable housing. The Department is offering incentive pay for selected job classifications at the Buena Vista and Sterling Correctional Facilities in an effort to improve staff recruitment and retention. The incentive pay has also been extended to parole officers across the state.

Other general cost drivers within the DOC include higher medical costs to go along with an increasing number of offenders with moderate to severe medical needs; an increase in the number of offenders with mental illness; the Department's efforts to move from a model of warehousing offenders to treating offenders; and costs associated with the expansion of reentry initiatives through legislation.

8. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes or service needs (e.g. aging population) that are different from general population growth?

Response: *The Department's prison caseload is not increasing at a pace that exceeds the general population growth in Colorado. The 2019 prison population is 0.35% of the state population which, along with the 2016 prison population, is the low point for prison population as a percentage to total population in the 20-year span from 2005 to 2025. Although the prison population is projected to grow through 2025, the percentage of the 2025 prison population is projected at 0.42% of the state 2019 population and is below the high of 0.47% in 2008.*

The medical caseload change request reflects the increasing cost of providing external medical services to the prison population. One driver for the increase is the higher cost of external medical claims paid for aging offenders (those age 50 and older). Although this population is the minority in the number of claimants over the past 4 years, they have contributed to over 50 percent of the external claims costs. Correctional Health Partners, the Department's third-party administrator for managing the health care services provided outside of DOC facilities, reports the following external medical claims information for FY 2015-16 through FY 2018-19:

External Medical Claims								
Offender Age	# Claimants				Total Paid			
	2016	2017	2018	2019	2016	2017	2018	2019
< 50	4,690	4,518	4,813	5,112	\$7,623,709	\$8,994,734	\$11,254,735	\$14,874,771
50 & above	2,055	2,020	2,175	2,252	\$9,696,897	\$9,948,487	\$14,725,828	\$18,116,027
Total	6,745	6,538	6,988	7,364	\$17,320,606	\$18,943,221	\$25,980,563	\$32,990,798
% 50 & above	30.5%	30.9%	31.1%	30.6%	56.0%	52.5%	56.7%	54.9%

The prison population has higher needs than the general population in many different areas. The Department's FY 2018 Annual Statistical Report reflects 36.8% of the prison population had moderate to severe mental health needs while 74.1% of the prison population had moderate to severe substance abuse needs. Education needs are also notable with 24.9% of the prison population assessed with moderate to severe academic needs and 44.7% possessing moderate to severe vocational needs.

9. Please provide an overview of the Department's current and future strategies for the use of outward facing technology (e.g. websites, apps), the role of these technologies in the Department's interactions with the public and other state agencies, the Department's total spending on these efforts in FY 2018-19, and expected spending in FYs 2019-20 and 2020-21.

Response: *The Department is in the process of meeting with the Statewide Internet Portal Authority (SIPA) to evaluate the next steps in upgrading the external facing DOC website, which provides a substantial amount of information and resources to the general public and other stakeholders. The DOC website is currently hosted on an older Drupal platform, and SIPA is working to upgrade customers to the newer platform. While the Department does not have any cost estimates at this time, based on the discussions with SIPA, the costs associated with the upgrade are expected to be minimal. The upgrade of this website is critical to DOC's efforts to provide better customer services to stakeholders.*

The Department is also in initial conversations with the Office of Information Technology (OIT) to potentially overhaul the DOC intranet site which is a critical hub of information for internal staff members. It is also built on an outdated platform and is in need of upgrades. Given that the Department has just begun conversations with OIT, there are no available cost estimates for the upgrade. Similar to the external website, the cost of this upgrade is also expected to be low.

10. There are many ways in which the Department may interact with internal or external customers, including the public and other departments. How is the Department gathering feedback and evaluating customer experience? Please address all interactions, e.g., technology, in-person, call centers, as well as total spending on these efforts in FY 2018-19 and expected spending in FYs 2019-20 and 2020-21.

Response: *The Department utilizes several different methods of interaction with its internal and external customers. For internal customers (DOC staff), the Department has utilized existing tools to conduct surveys to assist with staff retention efforts and with the implementation of the prison normalization principles. Interaction with external customers is primarily done through in-person meetings. This includes citizen advocacy meetings; ongoing dialogues with cooperative partners/stakeholders, e.g., Colorado Criminal Justice Reform Coalition, Community Corrections boards and programs, local law enforcement, Department of Local Affairs; and community outreach programs such as a recent presentation at Colorado*

College on “Breaking the Cycle”. The Department does not have additive costs associated with these efforts as the time spent by staff is considered part of the duties of the positions held.

- 11.** Please highlight the long-term financial challenges of fulfilling the mission of the Department with particular attention to any scenarios identified in the Department’s Long Range Financial Plan involving an economic downturn, department-specific contingencies, emerging trends, or major anticipated expenses (Subsections 3-6 of Section 4 of the Long Range Financial Plan submitted pursuant to H.B. 18-1430).

Response: *The Department is impacted by several primary budget drivers which are outlined below.*

The biggest factor driving the Department’s budget is caseload. The size of the prison population is determined by multiple factors, including new court commitments, parole releases and returns, and implementation of legislation. The External Capacity subprogram includes funding to house overflow offenders when the prison population exceeds the capacity of state facilities. When preparing funding requests for private prison beds, the Department reviews prison population forecasts prepared by both Legislative Council Staff (LCS) and the Division of Criminal Justice (DCJ). LCS publishes its forecast annually in December, whereas DCJ publishes an interim summer forecast in addition to its annual December forecast. The Department generally uses the DCJ forecast when preparing annual and supplemental budget requests.

The Department also provides statutorily required medical care to the offender population. The characteristics of the offender population directly influence the cost of medical care. The portion of the offender population with moderate to severe medical needs is increasing, which in turn drives medical caseload budget requests. The Department is experiencing significant growth in the utilization of external medical care with a corresponding increase in the costs to provide this care. All areas of external care have increased including the use of specialists, outpatient facilities, hospitalizations, and emergency facilities.

The Department’s aging population is another driving factor of increased budgets. As reported in the FY 2018 DOC Statistical Report, offenders over age 50 were 20.1% of the 2018 offender population compared to being 7.6% of the offender population in 1999. Within this number, the Department continues to see year-over-year increases in the number of offenders serving life sentences which will continue to add to the aging population. Although offenders over age 50 represent approximately 20% of the offender population, they are a disproportionate share of medical claimants and claims costs.

Aging infrastructure is another budget driver for DOC as all currently open facilities are over 20 years old, with six over 50 years old. The 24/7 nature of the Department places high demands on its infrastructure and, when combined with the age of its facilities, drives substantial maintenance-related expenses. There is a growing backlog of maintenance projects that have to be deferred because of emergency maintenance requirements that take precedence. This will, in turn, lead to a greater need for controlled maintenance and capital

renewal projects that arise from the maintenance projects that are deferred, leading to higher overall facility maintenance costs.

The Department has a Wildly Important Goal of increasing the percentage of parolees who are employed. Employment is a critical factor in decreasing the probability of parolees returning to prison. An economic downturn could potentially increase the level of unemployment in the state, which could negatively impact the employment opportunities for parolees. This turn of events would negatively impact the Department's goal of reducing recidivism and could lead to higher prison populations.

12. In some cases, the roles and duties of existing FTE may have changed over time. For all FY 2020-21 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

Response: *The Department submitted three requests that included an increase of FTE in FY 2020-21. These requests included R-02, Nurse Staffing Pilot Program; R-03, Reducing Private Prison Use; and R-09, Technical Adjustments. The questions above will be addressed for each FTE request.*

R-02. *The nurse staffing pilot program adds 2.0 Nurse FTE to serve as nurse educators at the Sterling Correctional Facility (SCF). The added positions will educate the offender population on chronic care management. Offenders are given a comprehensive medical evaluation upon entering DOC but do not receive preventive care after their initial intake exam. The Department's medical staffing level only allows for providing primary care when an offender presents with an illness or injury. While existing staff could be selected to serve in these new positions, they will need to be replaced due to the minimal staffing that exists to deal with emerging medical issues. This existing staff is stretched thin due to the growing offender population that has moderate to severe medical needs; this population has doubled in size over the past 10 years. The request for 2.0 FTE was based on the high number of offenders at SCF with a chronic care diagnosis, cardiac history, or seizure diagnosis. This facility provides a large sample size for determining whether or not an emphasis on preventive care can help reduce external medical care costs.*

R-03. *This request opens two towers at the Centennial Correctional Facility-South (CCF-S) and provides a corresponding bed reduction at the Cheyenne Mountain Re-entry Center (CMRC). The Department requests 210.4 FTE to manage and operate this facility. The added workload of operating another facility cannot be absorbed with existing staff. In addition, a significant portion of the costs for the added FTE are offset by the reduced use/cost of private prison beds at CMRC. DOC determined staffing patterns based on the size of the population, the physical plant layout, and the custody level of the population.*

In addition, the Department had a lower FTE request than it would have at other locations due to the presence of existing staff at CCF-North in several shared operational areas. As a result, DOC was able to limit the request for added staff in these areas to just those needed to augment existing staff for the workload increase associated with the added offenders at CCF-S.

R-09. DOC requested 1.0 FTE for the workload associated with starting a new transitional work program that identifies potential employers across Colorado who are interested in hiring and paying a living wage to offenders while they are still incarcerated. The Department is training an existing staff member to assume these duties as this program builds on the community re-entry efforts already underway. While this new program expands DOC's re-entry efforts, the Department could not afford to take away from the small number of existing pre-release specialists that facilitate re-entry for all offenders. The addition of 1.0 FTE was determined by the workload required for this new program. This workload runs the gamut of meeting with stakeholders (employers, local elected officials and law enforcement, community agencies) to providing information about the program, to ensuring all required documentation is made available to employers for the Form I-9 (employment eligibility verification), to facilitating the screening and interview process for offenders that receive jobs through this program.

- 13.** Please describe the impact of Colorado's low unemployment rate on the Department's efforts to recruit and retain employees.

***Response:** Colorado's low unemployment rate has adversely affected the Department's efforts to recruit and retain top talent. The current job market is extremely competitive with more attractive compensation and benefit packages available to job seekers. The Department has utilized sign-on bonuses and referral awards for statewide clinical positions and correctional officer new hires at the outlying locations in an effort to counter the recruiting challenges. In addition, the Department received additional funding to pay certain job classes higher salaries to help with recruitment and retention (Nurses, Mid-Level Providers, Correctional Officers I/II and Correctional Support Trades Supervisors I).*

- 14.** State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
- b. For each source, list actual revenues collected in FY 2018-19, and projected revenue collections for FY 2019-20 and FY 2020-21.

Response:

Non-Tax Revenues Collected by Department That Are Subject to TABOR (excluding sources that amount to less than \$100,000/year)				
Revenue Source	Associated Cash Fund	Revenues Collected Annually		
		FY 2018-19 Actual	FY 2019-20 Projection	FY 2020-21 Projection
Offender co-pays for health care services	General Fund	\$143,810	\$153,486	\$153,486
Program sales to offenders, DOC employees, governmental agencies, or non-profit organizations	Correctional Education Program Fund	\$456,991	\$372,891	\$372,891
Interest earned at the State Treasury	State Employee Reserve Fund (SERF)*	\$301,123	\$154,000	<\$100,000

* Per S.B. 19-208, \$23 million from all agencies will be transferred from the SERF to the General Fund resulting in reduced interest earnings after the transfer.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2020-21.

Response: *The Department did not submit any decision items that, if approved, would increase revenues subject to TABOR.*

15. Please describe the Department's current practice regarding employee parking and other transportation options (i.e. EcoPass). Please address the following:

- a. Does the Department have adequate parking for all employees at all locations?

Response: *Yes, the Department has adequate parking for all employees at all locations. DOC conducts operations from several leased buildings. The building leases normally include sufficient free parking for the DOC staff that work in that building. The one exception to this is the Division of Adult Parole location at 940 Broadway in Denver. In this case, the Division pays for additional nearby parking that is made available to assigned staff at no cost.*

- b. If parking is limited, how are available spaces allocated?

Response: *This question is not applicable as free parking is made available for the Department's employees.*

- c. If free parking is not available, how is parking paid for, and who pays (employee or Department?) (e.g. stipends, subsidized parking, eco passes)

Response: *This question is not applicable as free parking is made available for the Department's employees.*

- d. If employees pay fees for parking, where is the revenue credited and how is it spent, and is it subject to TABOR?

Response: *This question is not applicable as the Department's employees do not pay fees for parking.*

- e. Do parking and/or transportation benefits factor into Department compensation and/or retention efforts?

Response: *The Department makes free parking available for all DOC employees, regardless of the work location, so this is not a benefit tied to retention efforts.*

- 16.** Identify all continuously appropriated funds within the Department's purview with a fund balance or annual revenue of \$5.0 million or more. Please indicate if these funds are reflected in the FY 2019-20 Long Bill.

Response: *The Department has one continuously appropriated fund (Canteen, Vending Machine, and Library Account) with a fund balance or annual revenue of \$5.0 million or more. The spending authority for this fund is reflected in the FY 2019-20 Long Bill under Section 8, Canteen Operation.*



Joint Budget Committee FY 2020-2021 Budget Hearing

**Colorado Department of Corrections
Dean Williams, Executive Director**

December 11, 2019



2019-2020 Wildly Important Goals (WIGs)

WIG #1: Decrease the Recidivism Rate through Normalization of Prison

WIG #2: Increase the Employment Rate of Parolees

WIG #3: Improve Culture within DOC and Decrease Labor Shortage



WIG #1: Decrease the Recidivism Rate through Prison Normalization

Prison life more accurately reflects life outside of prison

Trauma to offenders should be minimized

Focus on association vs. isolation

Sense of Purpose and Motivation

“Punishment” is the deprivation of liberty only.



Principles of Normalization

Safety

Staff and inmates have the right to be physically and psychologically safe.

Normalizing approaches offer physical settings which promote health and safety.

Interpersonal interactions which contribute to everyone's well being.

Pro-social relationships create respect and prevent crime and violence.



Principles of Normalization

Environment

Deinstitutionalization – utilizing environmental factors to promote a more humane incarceration.

Sound, noise, and visual aspects have an impact on the people who work and live in institutions.

Physical features and environment impacts how people feel.



Principles of Normalization

Culture

Facilities should allow those who are most impacted by decisions to have a say about their environment whenever possible.

Creating a culture of shared responsibility. People achieve a greater sense of buy-in when they have influence over factors that affect them.

Normalizing approaches promote positive, pro-social relationships for incarcerated people, and support safe, appropriate relationships between incarcerated people and correctional staff.



Principles of Normalization

Purpose

Reduce isolation and disconnection from society with increased sense of purpose.

The people most affected by crime – including those responsible and those harmed – should have the opportunity to become involved in repairing harm as much as possible.

Normalizing approaches should make space for both incarcerated people and correctional staff to take responsibility for mistakes and harms caused.

Meaningful, voluntary opportunities for those who have caused harm should exist to make repairs to victims and to the community at large.



Principles of Normalization

Results

Improved release outcomes, reduced recidivism and smoother transition to the community.

Family and community bonds are important to supporting incarcerated people and facilitating their reunification with their families and communities.

Normalizing approaches forge relationships with local organizations and give community members, community organizations, volunteers, educators, and other reasonable access to the prison and its residents.

Opportunities for collaboration ideally include families, crime victims/survivors, and the communities in which affected people live.

How a Prison Play Goes on Tour

Thirty Colorado inmates staged "One Flew Over the Cuckoo's Nest" for nearby inmates.

A Shared Vision



Inmates of Sterling Correctional Facility rehearsing "One Flew Over the Cuckoo's Nest" before they performed the play at the Denver Women's Correctional Facility. Trent Davis Bailey for The New York Times

Can the US import a new prison attitude from Europe?

by Arthur Rizer & SteVon Felton | January 20,

The Atlantic

POLITICS

Treating Prisoners With Dignity Can Reduce Crime

In Europe, prisoners work for real wages and even cook for themselves. And when they leave prison, they don't come back.

NICHOLAS TURNER AND JOHN WETZEL AND NATIONAL JOURNAL MAY 22, 2014

North Dakota Reforms its Prisons, Norwegian Style

The Nordic country, home to the most humane prison in the world, shares lessons with state officials.

States put Norway-style prison reforms to work in U.S.

Karen Bouffard, The Detroit News

Published 12:12 a.m. ET Oct. 11, 2019 | Updated 11:15 a.m. ET Oct. 11, 2019

NBC NEWS

Oregon prison's new garden holds promise of transforming correctional landscapes

ASIAN AMERICA

Oregon prison's new garden holds promise of transforming correctional landscapes

"When you're put in an environment where everything is concrete and steel and is designed specifically to contain and secure you, it can be a very dehumanizing experience," one inmate said.



NJ seeks to ease transition prison reforms

Ashley Balcerzak, NorthJersey.com
Published 5:24 a.m. ET Nov. 15, 2019

60 Minutes

THE GERMAN PRISON PROGRAM THAT INSPIRED CONNECTICUT

A prison in Connecticut is taking cues from Germany, where inmates do more and have keys to their cells. 60 Minutes reported on it in 2016

REDDIT

FLIPBOARD

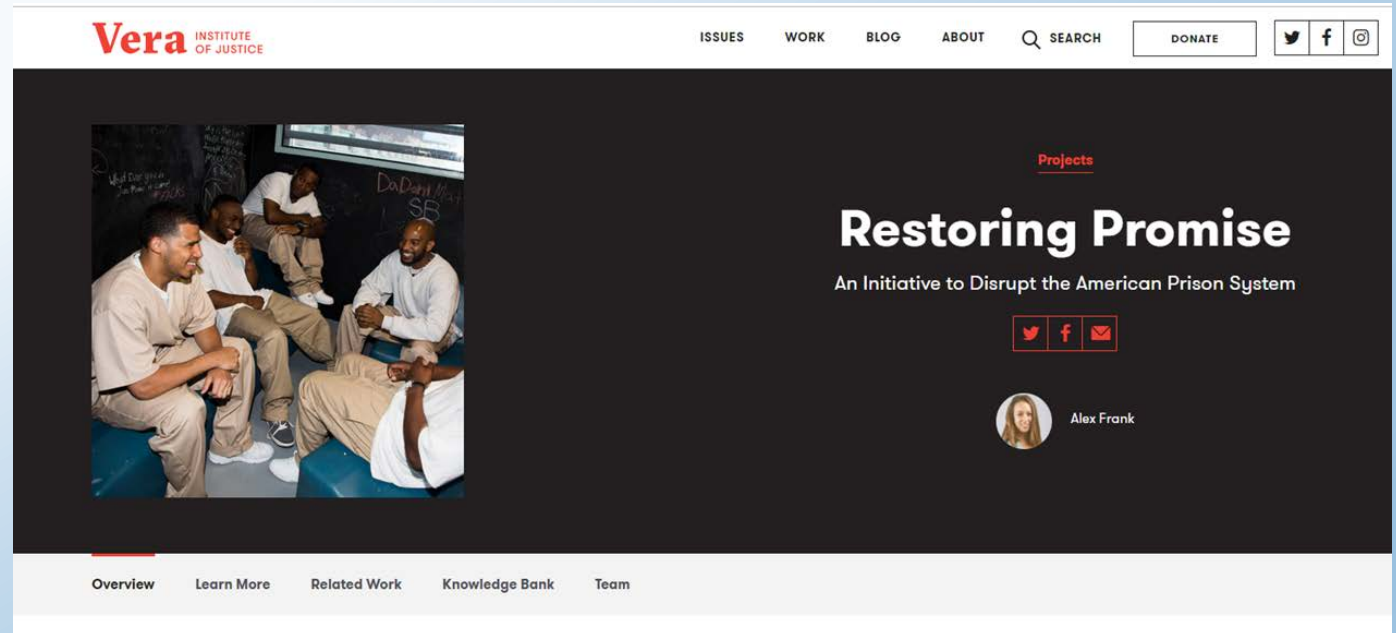


VERA Restoring Promise Initiative

Goals include transforming the culture, climate, rhythms and routines that define the prison system.

Young adults are mentored through meaningful daily activities to deepen their connection to their culture and healing, cultivate an ideology of self-determination, and restore relationships with family and community.

Young adults represent 10% of the US population but 30% of arrests and 21% of prison admissions.





Take TWO **Transitional Work Opportunity**

DOC's Transitional Work Opportunity re-entry program connects offenders to prevailing wage jobs while incarcerated

Helps offenders improve job skills, making them more employable

Improves offender accountability

Provides means to honor financial commitments (restitution, child support) while also acquiring monetary savings prior to release

Re-establishes social networks in the community

Respects the connection between work and human dignity



Take TWO- Current Progress

Buena Vista CC Transitional Work Center

9 offenders have worked/are working in construction and automotive jobs

Sterling Correctional Facility

12 offenders have worked/are working in production plant jobs

FY 2019-20 Take TWO Program	
Program Participation	Cumulative 12/9/2019
Total Number of Offenders Employed	21
Total Number of Employers (Second Chance employers)	6
# Offenders Currently Employed	15
# Offenders Removed from Program	2
# Offenders Completed & Released Prison from Program	4





Take TWO- Future Plans

Expansion

Delta Correctional Center & Denver Women's Correctional Facility in FY 2019-20

Addition of 4 more facilities in FY 2020-21 (8 total)

Housing

WAGEES community partners

Sober Living homes, other housing agencies

Working with CDOT and other employers from restaurant, retail, production, and warehouse industries



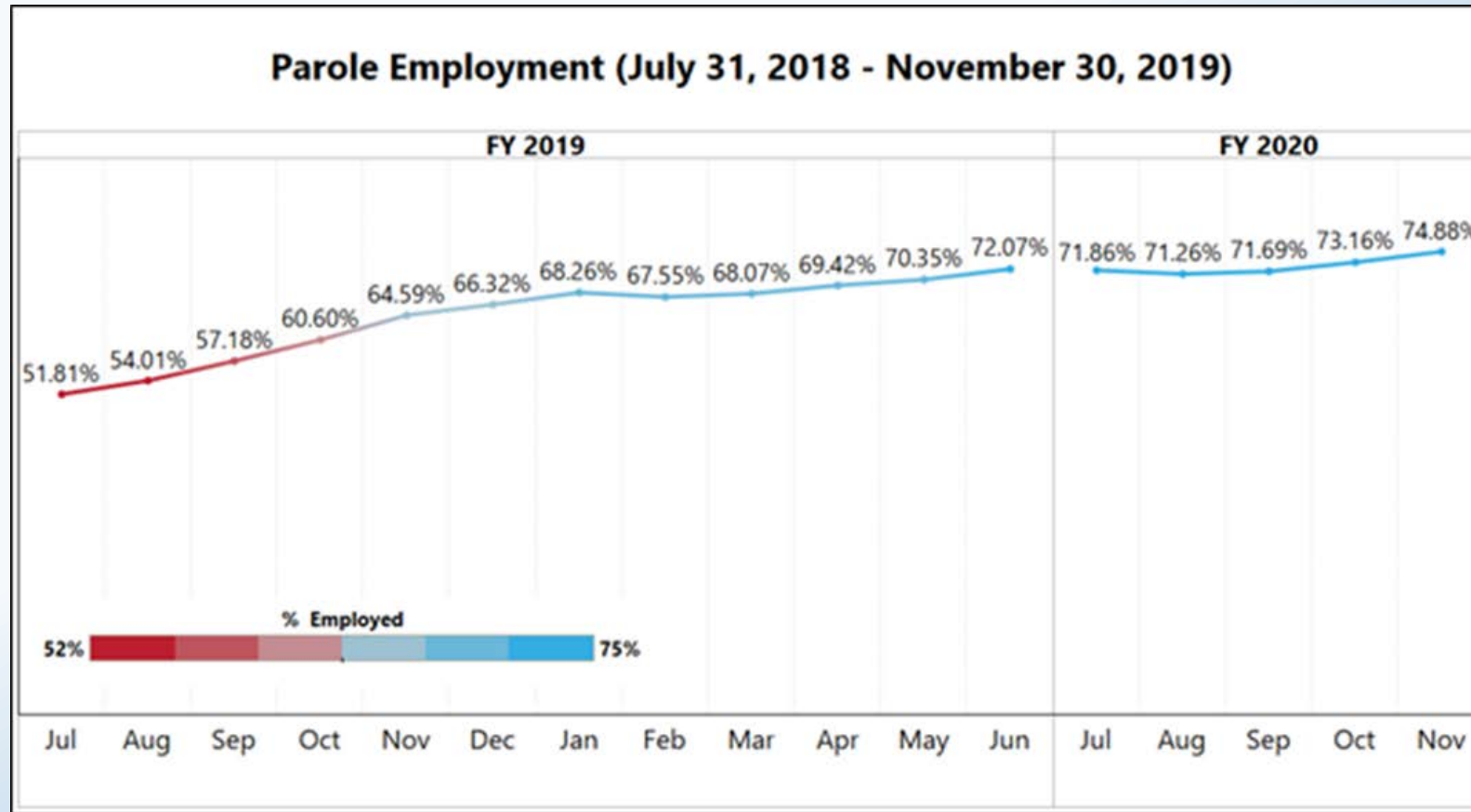


WIG #2: Increase the Employment Rate of Parolees

Increase referrals to WAGEES partners

Enhance job placement programming

Diversify job training and readiness



Year one goal 75%

Year three goal 78%



WIG #3: Improve Culture within DOC and Decrease Labor Shortage

Engage employees with staff survey

Explore enhanced training possibilities

Explore scheduling alternatives

Continue to address competitive pay

Expand the role of the officer



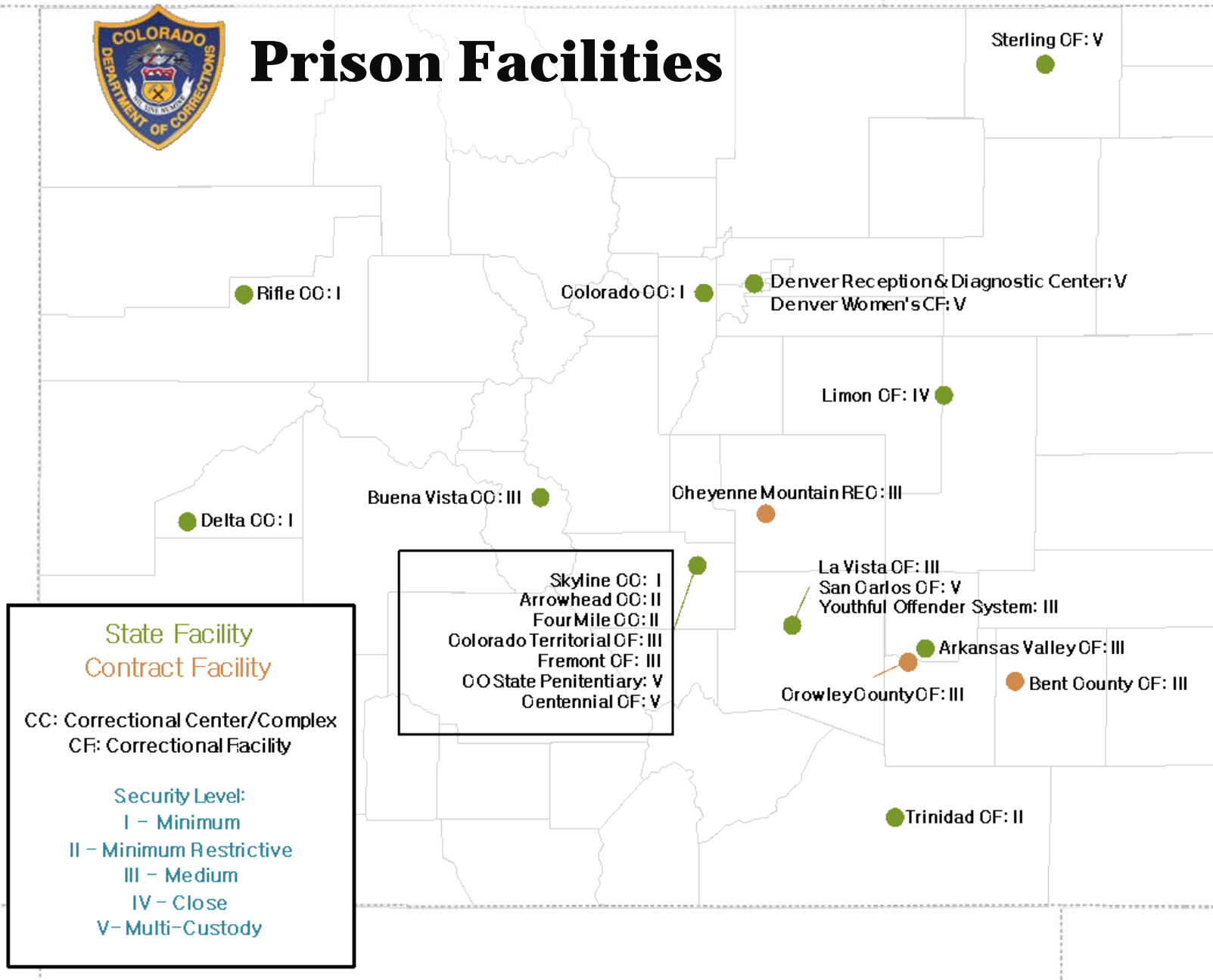
Improved Staff Development



An officer is *much* more than a “guard”.



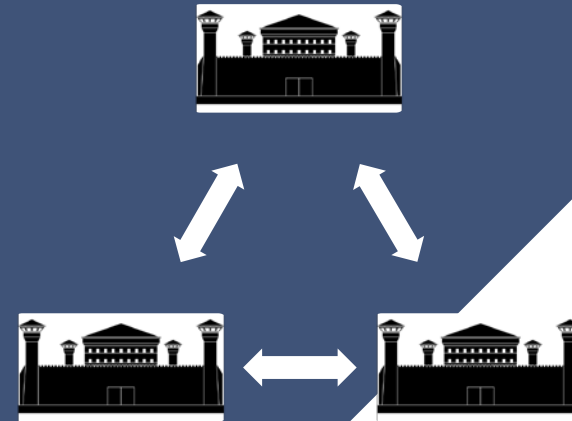
Prison Facilities





Reducing Private Prison Use

Utilization of CCF-South and Closure of CMRC





Cheyenne Mountain Reentry Center (CMRC)



- Opened in 2005 by CEC International
- Acquired by GEO in 2017
- Level 3 Medium Security Facility
- Operational Capacity 710
- Originally envisioned as a reentry treatment facility with drug and alcohol, psychiatric, personal development, and mental health programming



Cheyenne Mountain Reentry Center (CMRC)

- Struggles to maintain a stable workforce
- Line staff paid hourly wage starting at \$16/hr as of Mid-August
- Could not meet contractually obligated staffing levels- Contract adjusted to require 10 fewer staff
- CMRC offender program engagement requirements are lower than at DOC facilities yet continuously fall short of contractual obligations



Cheyenne Mountain Reentry Center (CMRC)

Audit Item	Months Non-Compliant
Tool Control	January, April, May June, August
Key Control and security equipment accountability	August, September, October
Offender Counts	January, June, September and October
Property Inventory and accountability	January, February, March
Internal Classification	January , March, September
Drills	May, June, August
Vehicle Searches	January, August, October

Non- Compliance with Contractual Obligations and DOC Policy 2019 (Jan-Oct 2019)



Cheyenne Mountain Reentry Center (CMRC)

Total Assessed Liquidated Damages for staffing

January 2019	\$3,400.50
February 2019	\$3,326.03
March 2019	\$25,366.51
April 2019	\$20,124.08
May 2019	\$12,649.50
June 2019	\$29,560.30
July 2019	\$42,250.73
August 2019	\$19,750.81
September 2019	\$14,500.00
October 2019	\$15,500.00



Cheyenne Mountain Reentry Center (CMRC)

Concerns with substance abuse treatment licensure

22 Offenders have been required to re-enroll in substance abuse programs after treatment programs were suspended

CMRC currently operating under provisional OBH licenses



Centennial Correctional Facility South (CSPII)



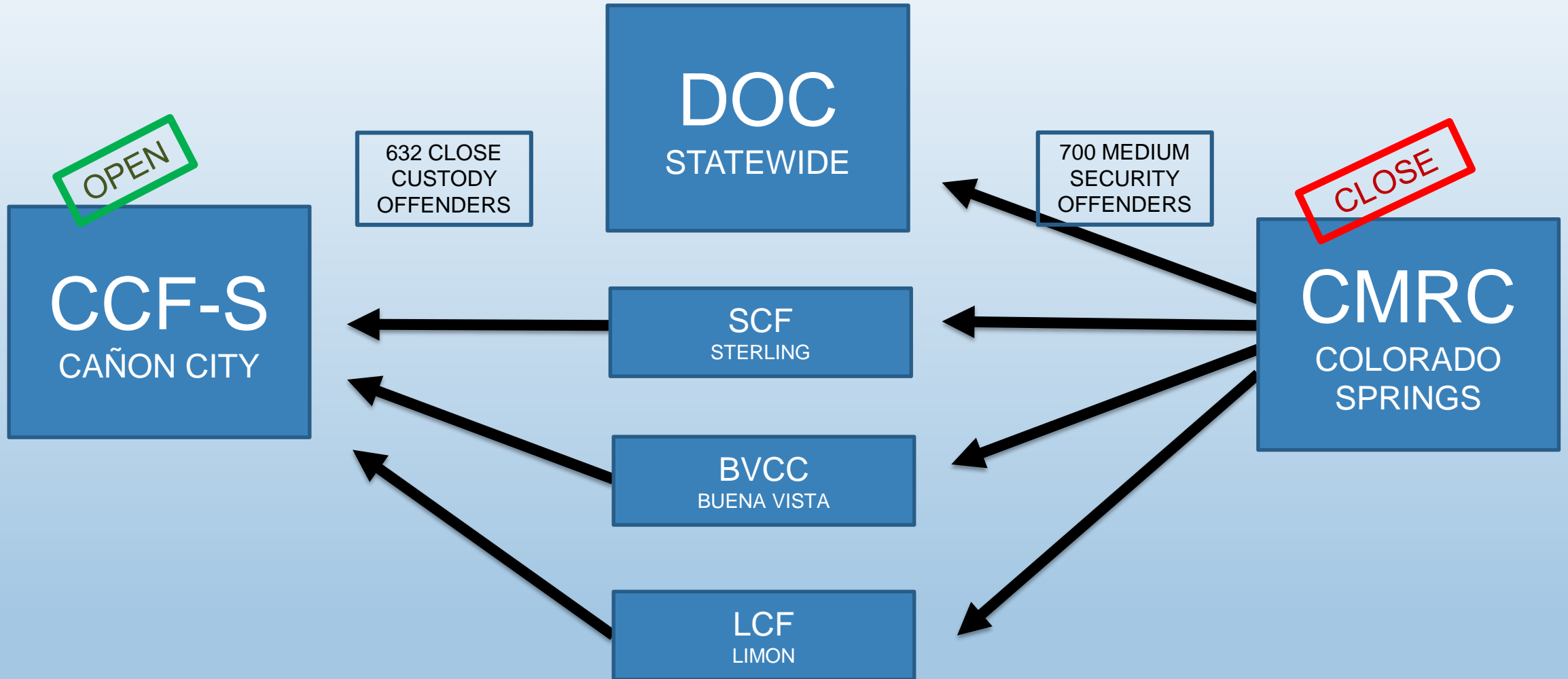
- Opened in 2010
- Level 5 Maximum Security Facility
- Operational Capacity 948
- Originally constructed and operated as an Administrative Segregation Facility
- Currently authorized for temporary, emergency utilization



CCF-South

- Upgrades to the facility include recreation yards, day hall improvements, and cell modifications
- Workforce ample in Fremont County and surrounding areas
- Prudent and responsible use of state asset

Proposed Action





Benefits

Allows for maximization of workforce assets- despite raises in pay and other efforts, staffing shortages still plague rural facilities like Sterling, Buena Vista, and Limon

Ends our contractual relationship with GEO Group in a responsible manner

Efficient use of state assets with good pay, benefits, and working conditions for our staff

Former CMRC inmates will have better access to education, clinical, behavioral, and job training programs



Close Custody and “Softening the Yards”

Close Custody is highest scored classification custody level.

Intended for offenders requiring an increased level of security, supervision, controlled movement and monitored programming.

Consolidation of close population will remove the most disruptive influence from other facilities

Areas most impacted by staff shortages are Buena Vista CC, Limon CF and Sterling CF.

Creates a more conducive environment for normalization in medium security facilities by removing or reducing close custody populations.



Division of Parole

Approximately 89 percent of all DOC releases in 2018 were to parole

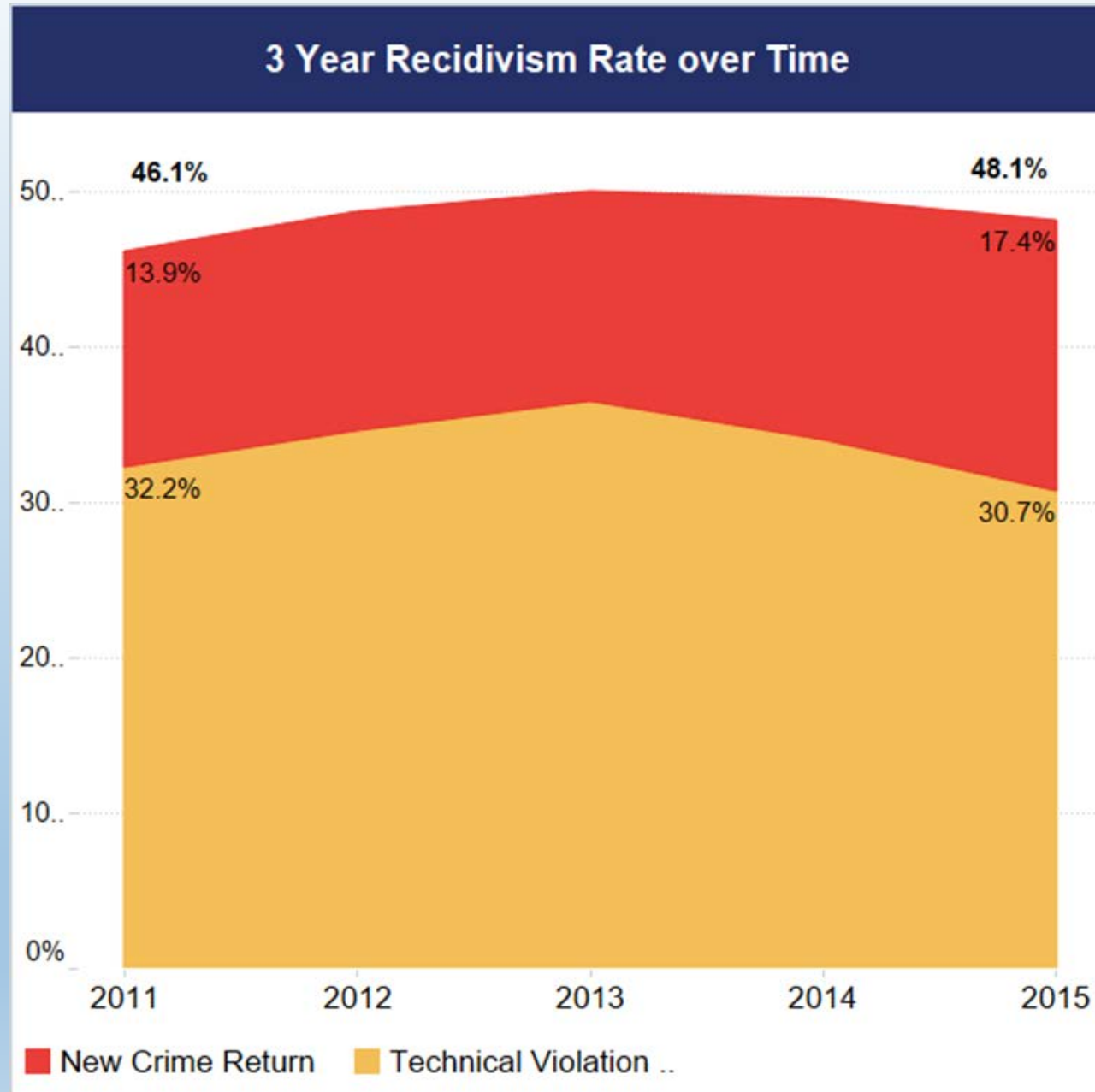
Parole supervises approximately 10,528 people across 19 offices

Non-violent parolees are 61.1% of the supervised population



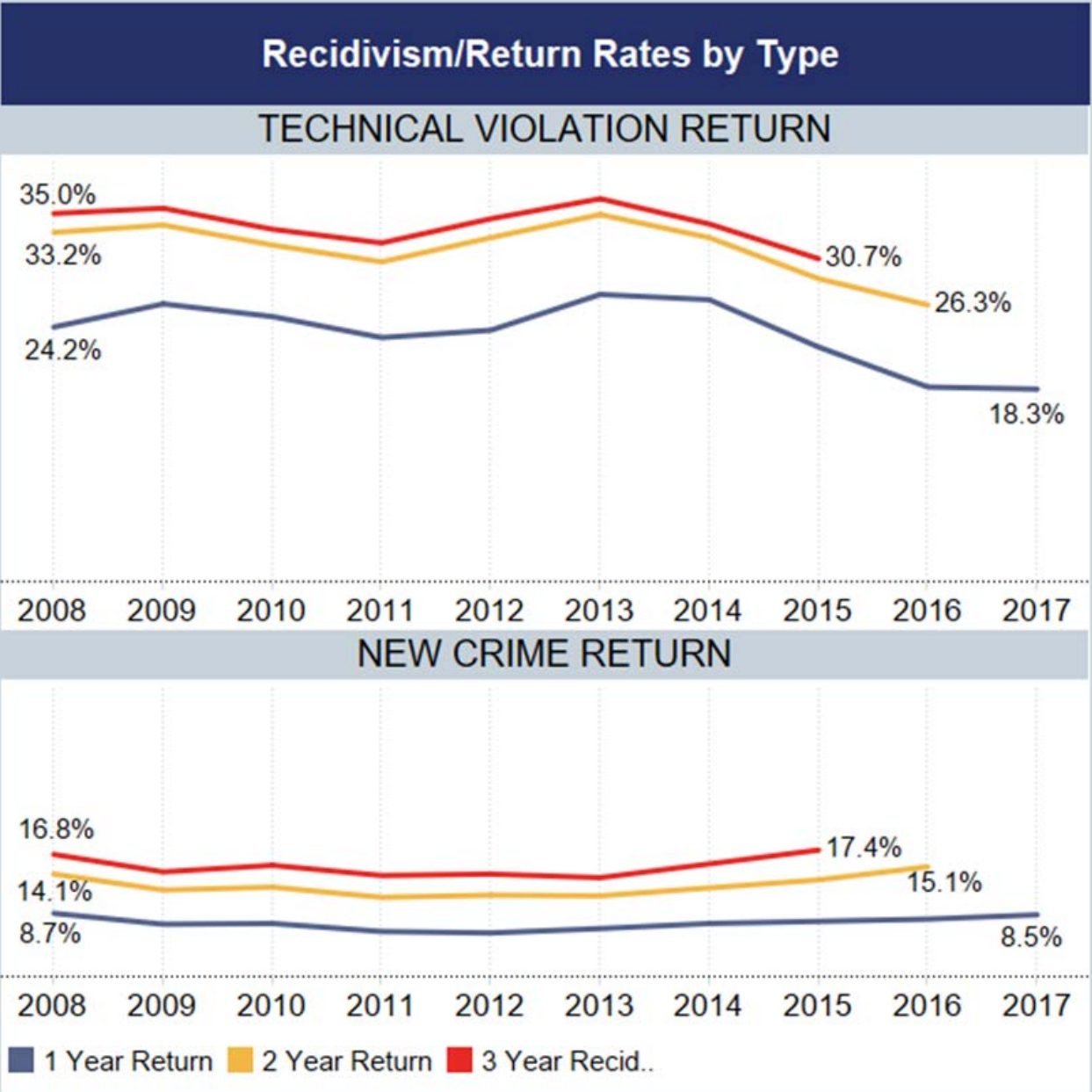
Colorado's
three-year
recidivism
rate is 48.1%

**30.7% are
Technical
Parole
Violations**





DOC is currently experiencing a decline in technical parole violations, and **we are committed to continuing and accelerating this trend.**





DOC selected by the Crime and Justice Institute and Arnold Ventures to receive technical assistance to further safely reduce revocations.

Partnered with DU Evaluation and Action Lab on ensuring that our efforts will create a lasting cultural shift with Parole operations.



Hepatitis C Treatment

FY18-19

1,196 Offenders began Hep C treatment
995 Completed

FY19-20

649 Offenders began Hep C treatment
342 Completed
225 Actively on treatment

Hepatitis C Treatment Cost History

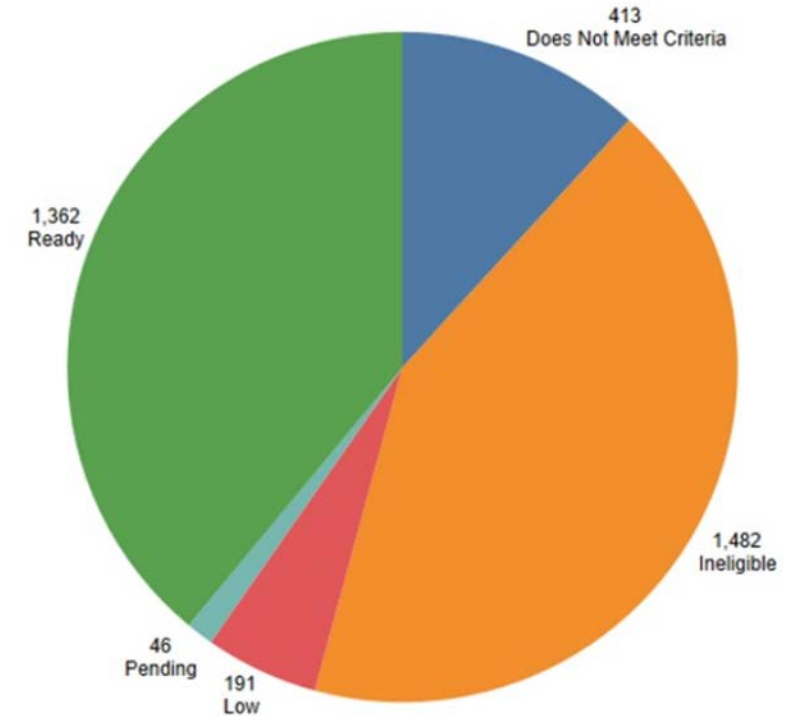
	2015	2016	2017	2018
Average Cost	\$90,000	\$57,000	\$26,166	\$16,616



Sex Offender Treatment

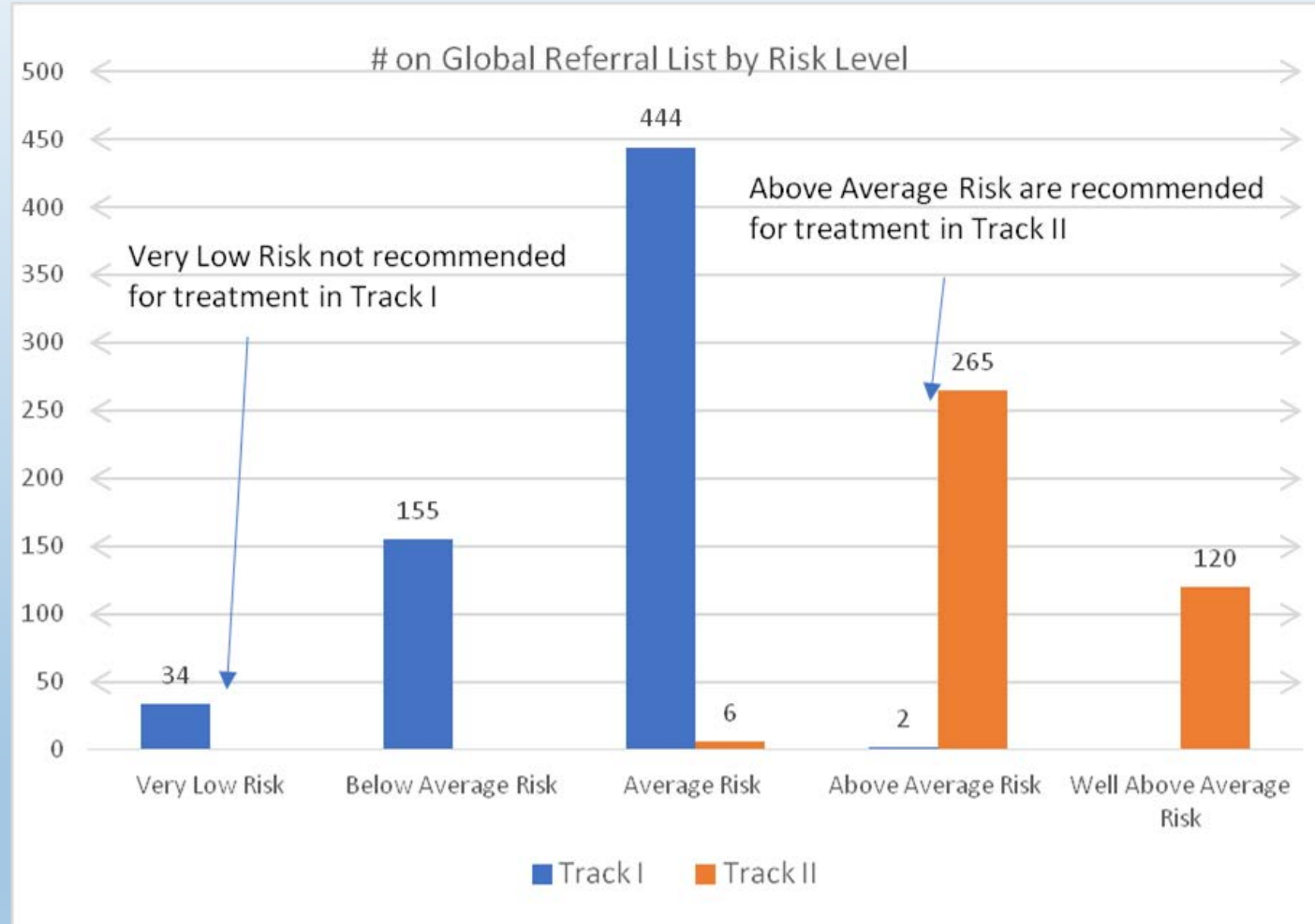
S5 population on the Global Referral List as of 11/30/2019:

Sexual Violence Needs (SVN) Classification Level	SVN Definition
S5	Any judicial determination of sex offense to include court findings of sexual factual basis
S4	Any administrative determination of a sex offense to include prior sexual violence needs classification review. This classification is not recommended for participation in DOC SOTMP.
S3	Institutional sex offense conviction
S2	Unadjudicated sex offense allegation
S1	No documented sexual violence treatment needs





Sex Offender Treatment





Questions?